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Plaintiff in Pro Se

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH P. CUVIELLO and DENIZ
BOLBOL, individually,

PLAINTIFFS.

v.

ROWELL RANCH RODEO, INC., et al.

DEFENDANTS.

Case No. 3:23-cv-01652-VC

**SUPPLEMENTAL DECLARATION OF
JOSEPH P. CUVIELLO IN SUPPORT
OF PLAINTIFFS' OPPOSITION TO
DEFENDANTS' HARD AND ROWELL
RANCH RODEO'S CROSS- MOTION
FOR SUMMARY JUDGMENT AND
REPLY IN SUPPORT OF PLAINTIFFS'
JOINT MOTION FOR PARTIAL
SUMMARY JUDGMENT**

Date: August 15, 2024
Time: 10:00 a.m.
Judge: Hon. Vince Chhabria
Courtroom: 5, 17th Floor

1 I, Josphe Cuiello, declare as follows:

2 1. I am a Plaintiff in the above-captioned case.

3 2. I have personal knowledge of the facts declared herein and will competently
4 testify to them if called upon to do so. I am submitting this declaration in support of Plaintiffs'

5 Opposition to Defendants' Hayward Area Recreation and Park District, Kevin Hart, and Rowell
6 Ranch Rodeo's Cross- Motion for Summary Judgment and Reply in Support of Plaintiffs' Joint
7 Motion for Partial Summary Judgment, Dkt. 89.

8 3. I have been an advocate for animal rights since 1986, and am a co-founder of the
9 grassroots group, "Humanity through Education," a 501(c)3 organization.

10 4. My speech and association focuses on the abuse and mistreatment of animals by
11 circuses, rodeos, and other "entertainment" entities, which is of great public concern locally
12 nationally, and internationally.

13 5. During my years of animal rights activism I have been falsely arrested and had
14 my free speech rights violated by threats of arrest from law enforcement officers on numerous
15 occasions and had to file a number of lawsuits over the years to have my rights upheld and
16 protected, including *Bolbol, et al., v. Ringling*, Case No. 5:04-cv-00082; *Cuiello, et al., v. City*
17 *of Oakland*, et al, Case No. C06-05517; *Cuiello, et al., v. City of Stockton, et al*, Case No.: 2:07-
18 cv-01625; *Cuiello, et al., v. City of Oakland, et al*, Case No. 3:09-cv-02955; *Cuiello, et al., v.*
19 *Cal Expo, et al*, Case No. 2:11-cv-02456; *Cuiello, et al., v. State of Nevada, et al*, Case No.3:12-
20 cv-00529; *Cuiello, et al., v. City and County of San Francisco, et al*, Case No. 12-cv-03034;
21 and *Cuiello, v. City of Vallejo, et al*, Case No. 2:16-cv-02584. In each of these cases I was either
22 arrested by law enforcement or placed under citizen's arrest in which law enforcement accepted
23 the arrest.

24 6. In *Bolbol, et al., v. Ringling*, Case No. 5:04-cv-00082 I was told to leave the San
25 Jose Arena property by management as law enforcement stood with management and also told
26 me I could not be on arena property. When I refused to leave management placed me under
27 citizen's arrest and law enforcement accepted the arrest. This occurred twice in two days.

28 7. In *Cuiello, et al., v. City of Oakland, et al*, Case No. C06-05517 I was told to

1 leave a certain area on the Oakland Arena property by management wherein law enforcement
 2 was standing with management and also telling me I had to leave. When I refused to leave
 3 management placed me under citizen's arrest and law enforcement accepted the arrest.

4 8. In *Cuviello, et al., v. City of Oakland, et al*, Case No. 3:09-cv-02955 I was told to
 5 leave a certain area on the Oakland Arena property by management as law enforcement stood
 6 with management and also told me I had to leave. When I refused to leave management placed
 7 me under citizen's arrest and law enforcement accepted the arrest.

8 9. In *Cuviello, et al., v. City of Stockton, et al*, Case No.: 2:07-cv-01625 I was told
 9 by Arena security I wasn't allowed on Arena property and told by law enforcement standing with
 10 security personnel that they would accept a citizen's arrest from arena security if I attempted to
 11 demonstrate on arena property. I demonstrated on the public sidewalk.

12 10. From experience, I am familiar with situations in which the management of the
 13 property I'm demonstrating on stands with law enforcement and they work in concert to threaten
 14 me with citizen's arrest.

15 11. On May 20, 2022, while demonstrating at the Rowell Rodeo Park in Castro
 16 Valley, Alameda County Sheriff's Deputy Mayfield told me I was fine demonstrating outside the
 17 FSA in his first interaction with me and Joseph Cuviello. A short time after the first encounter,
 18 Deputy Mayfield approached me again accompanied by HARD representative Kevin Hart. When
 19 Kevin Hart told me I had to relocate to the free speech area, based on my experience, I believed
 20 Kevin Hart might place me under citizen's arrest and Deputy Mayfield was standing by to accept
 21 the citizen arrest.

22 12. I have been demonstrating at Rowell Ranch Rodeo off and on for decades and I
 23 have never seen anyone checking for tickets at the entrances to the parking lots, and I have never
 24 before been asked for a ticket to enter the parking lots.

25 13. After I filed this lawsuit I demonstrated against the Bill Pickett Rodeo at the
 26 Rowell Rodeo Park in July of 2023 and 2024. In 2023, while I was holding a sign and passing
 27 out leaflets to patrons I was approached by two different rodeo representatives at two different
 28

1 times and each one told me I had to demonstrate from the free speech area. Each time I had to
2 stop demonstrating to talk with these rodeo representatives and explain to them that I had a right
3 to demonstrate in my current location.

4 14. Attached hereto as **Exhibit 40** is a true and correct copy of pages 1-2 of
5 “Hayward Area Recreation and Park District, Regulations Governing Use of Parks, Recreation
6 Areas, and Facilities,” Ordinance No. 001-02, as most recently amended on October 21, 2019, I
7 downloaded from the internet with the URL:

8 [https://www.haywardrec.org/DocumentCenter/View/2874/District-Regulation-](https://www.haywardrec.org/DocumentCenter/View/2874/District-Regulation-Handbook?bidId=)
9 [Handbook?bidId=.](https://www.haywardrec.org/DocumentCenter/View/2874/District-Regulation-Handbook?bidId=)

10 15. Attached hereto as **Exhibit 41** is a true and correct copy of Senate Rules
11 Committee, Committee on Public Safety, Senator Nancy Skinner, Chair, 2019-2020 Regular, Bill
12 No. 1775, as amended on August 20, 2020, “Subject: False Reports and Harassment,” I
13 downloaded from the California Legislative Information website with the URL:

14 [https://leginfo.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201920200AB1775.](https://leginfo.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201920200AB1775)
15

16 I make this declaration under penalty of perjury under the laws of the United States of
17 America, executed this 29th day of July, 2024, in Belmont, California
18

19
20 /s/ Joseph P. Cuiello
JOSEPH P. CUVIELLO